

## HOUSE BILL NO. 63

INTRODUCED BY J. POMNICHOWSKI

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE REVOCATION OF A COMMERCIAL FUR DEALER'S LICENSE AND A FUR DEALER'S AGENT'S LICENSE FOR VIOLATION OF STATE LAW OR DEPARTMENTAL RULES AND REGULATIONS; DEFINING "PELT"; CLARIFYING THE RECORDS REQUIRED TO BE KEPT BY FUR DEALERS; GRANTING DEPARTMENTAL RULEMAKING AUTHORITY RELATED TO COMMERCIAL FUR DEALER'S LICENSES AND FUR DEALER'S AGENT'S LICENSES; AMENDING SECTIONS 87-4-301, 87-4-302, 87-4-303, AND 87-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-4-301, MCA, is amended to read:

**"87-4-301. ~~Fur dealers defined~~ Definitions.** As used in this part, the following definitions apply:

(1) (a) "Fur dealer" means any ~~Any person or persons,~~ firm, company, or corporation engaging in, carrying on, or conducting wholly or in part the business of buying or selling, trading, or dealing within the state of Montana in the ~~skins or pelts~~ of any animal or animals designated by the laws of Montana as fur-bearing or predatory animals ~~shall be deemed a fur dealer within the meaning of this part.~~

(2)(b) ~~If such a fur dealer resides in the state of Montana or if his or its the dealer's principal place of business is within the this state, of Montana, he or it shall be deemed the dealer is considered~~ a resident fur dealer. All other fur dealers ~~shall be deemed are~~ nonresident fur dealers.

(2) "Pelt" includes the pelt, skin, or fur of any animal designated by the laws of Montana as fur-bearing or predatory."

**Section 2.** Section 87-4-302, MCA, is amended to read:

**"87-4-302. Records and inspection.** (1) A fur dealer shall keep ~~a book~~ records in which ~~shall~~ must be recorded separately on the date of each transaction the following facts:

(a) the number and kind of all ~~skins or pelts~~ purchased or sold by the fur dealer;

(b) ~~for each pelt, the place location~~ TRAPPING DISTRICT where the ~~skins or furs were~~ animal was killed or trapped and a separate record of all the ~~skins or pelts as of animals that~~ were killed or trapped outside this state;

~~(c) the trapping license number under which and, if the furs or pelts were taken in cases states where a trapper's license pelt tag number is required, the identifying pelt tag number;~~

(C) (I) THE TRAPPING LICENSE NUMBER UNDER WHICH THE PELTS WERE TAKEN IN CASES WHERE A TRAPPER'S LICENSE IS REQUIRED; AND

(II) THE IDENTIFYING PELT TAG NUMBER IF THE PELTS WERE TAKEN IN STATES WHERE A PELT TAG NUMBER IS REQUIRED;

(d) the names and addresses of the persons to whom the ~~skins or pelts~~ were sold or from whom they were purchased.

(2) ~~This book~~ The complete records of the dealer shall must be open at all reasonable times to the inspection of the director or any state game warden ~~or any United States game warden~~ and ~~shall must~~ be preserved and accessible for ~~1-year~~ 3 years after the expiration of any license granted to the fur dealer."

**Section 3.** Section 87-4-303, MCA, is amended to read:

**"87-4-303. Persons required to have fur dealer's license.** A fur dealer shall, before buying, selling, or in any manner dealing in the ~~skins or pelts~~ of any fur-bearing ~~or predatory~~ animal within this state, secure a fur dealer's license from the director. ~~No~~ A license is not required for a hunter or trapper selling ~~skins or pelts~~ ~~which he that the hunter or trapper~~ has lawfully taken or for a person who is not a fur dealer and who purchases ~~skins or pelts~~ exclusively for ~~his~~ the person's own use and not for sale."

**Section 4.** Section 87-4-306, MCA, is amended to read:

**"87-4-306. Violations.** ~~No~~ A person, firm, company, or corporation may not violate any of the provisions of this part ~~or any rule or regulation of the department adopted under this part.~~ This includes purposefully, knowingly, or negligently engaging in, carrying on, or conducting wholly or in part the business of buying, selling, trading, or dealing within the state in illegally taken or possessed pelts of any animal or animals designated by the laws of Montana as fur-bearing or predatory animals."

**NEW SECTION. Section 5. Penalties -- revocation of license.** The department may revoke or conditionally revoke any fur dealer's or fur dealer's agent's license issued under the authority of this part when

1 the licensee, after opportunity to be heard, is determined to have violated any provisions of this part ~~or any rule~~  
2 ~~or regulation of the department adopted under this part.~~

3  
4 ~~———— NEW SECTION. Section 6. Rulemaking authority. The department may adopt rules and regulations~~  
5 ~~necessary and proper for carrying out the purposes of this part.~~

6  
7 NEW SECTION. Section 6. Codification instruction. ~~[Sections 5 and 6] are~~ [SECTION 5] is intended  
8 to be codified as an integral part of Title 87, chapter 4, part 3, and the provisions of Title 87, chapter 4, part 3,  
9 apply to ~~[sections 5 and 6]~~ [SECTION 5].

10  
11 NEW SECTION. Section 7. Effective date. ~~[This act] is effective on passage and approval~~ JULY 1,  
12 2009.

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